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Dated: 5/26/08

Signature: Joseph W. Ragusa  
(Joseph W. Ragusa)

Docket No.: Y2238.0057  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Takahiro Nobukiyo et al.

Application No.: 10/773,233

Confirmation No.: 3193

Filed: February 9, 2004

Art Unit: 2618

For: MOBILE COMMUNICATION SYSTEM,  
BASE STATION, RADIO NETWORK  
CONTROLLER, AND RESOURCE  
ALLOCATION CONTROL METHOD USED  
THEREFOR

Examiner: Nguyen Thanh Vo

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement, applicant hereby elects Species III, (claims 8 and 59). Moreover, as indicated by the Examiner, claims 1-4, 7, 10, 13-19, 28-35, 52-55, 58, 61, 64-72 and 73-74 are generic. Therefore, claims 1-4, 7, 8, 10, 13-19, 28-35, 52-55, 58, 59, 61, 64-72 and 73-74 will be examined in the first Office Action on the merits.

Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Application No.: 10/773,233

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An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: March 26, 2008

Respectfully submitted,

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